

**REMARKS**

This paper is presented in response to the non-final official action of March 18, 2008, wherein (a) claims 1-7 were pending, (b) claims 1-5 were rejected as obvious over FR 1 444 267 ("FR '267") in view of Parker, and (c) claims 6 and 7 were objected to but deemed allowable in substance.

By the foregoing, each of claims 6 and 7 has been rewritten in independent form by incorporating the limitations of independent claim 4. An indication of allowance of claims 6 and 7 is solicited.

The \$210 fee for one additional independent claim in excess of three may be charged to our deposit account no. 13-2855.

The rejection of claims 1-5 is respectfully but strongly traversed; reconsideration is requested in view of the following remarks.

FR '267 describes a device for singulating mail pieces comprising a trough-shaped conveyor belt 5 on which piled mail pieces are fed. In an ascending portion of the conveyor belt 5, bottom mail pieces of the pile rest on the conveyor belt 5, while upper mail pieces slide back due to low friction. Additionally, a rotating cylindrical brush 8 can be arranged at the ascending portion of the conveyor belt 5 to deflect the upper mail pieces and to contribute to the separation of the piled mail pieces. The brush 8 rotates in such a way that the brushes have a velocity component in the direction of the conveyor belt 5, when they are below the axis of rotation.

Therefore, the invention differs from FR '267 at least insofar in that, according to the invention, a retention plate is affixed at an axis of rotation (rather than the use of a brush) and in that the retention plate has a speed component in a direction opposite to the conveying direction of the conveyor belt, when it is below the axis of rotation. These features lead to the effect that letters are partly retained and, at the same time, "dispersed" in front of the rotating plate. Some of the retained letters can pass the device below the retention plate in some position of the plate and some dispersed letters can pass the device above the axis of rotation (see, for example, p.4, l.27 – p. 5, l. 14 of the application). Thus, the operation of the device can be

seen as chaotic, where letters pass the device randomly below or above the axis of rotation. Consequently, downstream of the device, letters are arranged on the conveyor belt randomly but largely not lying on top of each other.

With the device described in FR '267, due to the direction of rotation of the brush, top letters in a pile are pulled off by the rotating brush. Such a method is not suitable for separating large piles of letters. Therefore, the brush is provided only as an additional equipment of a device mainly using an inclining, trough-shaped conveyor belt for separating letters. Thus, compared to the device described in FR '267 the separation device according to the invention allows for faster separation of large piles of letters.

The invention achieves its advantageous technical effects in a way, which is not obvious to the person of ordinary skill in the art.

FR '267 itself does not lead the person skilled in the art to the invention, since FR '267 only describes a cylindrical brush rotating in such a way that the brushes are moving in the same direction as the conveyor belt, when they are below the drum.

Moreover, the person skilled in the art would likewise not arrive at the invention by combining the teaching of FR '267 and the teaching of Parker. Parker describes a machine for collating forms, particularly checks, which are fed to the machine in a web. After the forms are separated and spaced apart, the forms reach a registration station comprising a paddle wheel 35 with four radially oriented stops 34 against which a form comes to rest when arriving at the registration station. Once a form engages pegs 36, 37, the stop is removed by partial rotation of the paddle wheel 35, so that the stop 34 moves away from the form. On removal of the stop 34, the form is moved on an indexing conveyor 38 and a batch of shingled forms is built up. In the batch, the forms are held together by an adhesive applied earlier.

Parker does not address the separation of letters. Rather, Parker deals with the generation of batches of shingled forms from separated forms that had been previously spaced apart. Parker does not teach that the paddle wheel can be operated to separate items that are fed to the paddle wheel in piles. Thus, there is nothing to lead a person skilled in the art to incorporate elements of the device

disclosed by Parker into a device as disclosed in FR '267 in order to separate letters. Rather, the skilled person would not have taken Parker into consideration, when assessing a method or device for separating letters. If for this reason alone, the invention of claims 1-5 is inventively distinguishable over the applied art.

Furthermore, Parker teaches stopping a form by means of the paddle wheel and then allowing the form to pass the paddle wheel by a partial rotation of the paddle wheel. The person skilled in the art would have recognized that the stepwise operation of the paddle wheel is not suitable for separating large amounts of letters continuously fed to the device, even if the paddle wheel could be operated to separate letters. This is another aspect, which would have prevented the person skilled in the art from taking the teaching of Parker into consideration when reviewing FR '267.

And, even if the skilled person nevertheless took Parker into consideration, he or she would not have arrived at the present invention. Parker discloses that "the stop is removed by partial rotation so that the stop moves away from the form and the subsequent stop or paddle on its descent ensures that the form is engaged positively on pegs 36, 37 (see column 3, lines 36-41). As a result, the paddle wheel is rotated in such a way that the paddle has a speed component in the conveying direction of the conveyor 38, when the paddle is below the axis of rotation. Otherwise, the stop would be moved against the form and would lift the form from the pegs, as can be seen in Fig. 3, for example. Therefore, Parker does not teach or suggest the limitation of claims 1 and 4 that the retention plate has a speed component in a direction opposite to the conveying direction of the conveyor belt, when it is below the axis of rotation. Therefore, the combination of FR '267 and Parker does not teach or suggest all limitations of claims 1 and 4.

Therefore, it is submitted that all claims 1-7 are of proper scope and form for allowance, and such action is solicited.

Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application toward allowance, she is urged to telephone the undersigned at the indicated number.

June 18, 2008

Respectfully submitted,

By 

James P. Zeller, Reg. No. 28,491  
MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant